



COUNCIL MEETING, OCTOBER 9, 2007

**BY SPECIAL NOTICE TO MEET: IN COMMITTEE-OF-THE-WHOLE (IN CAMERA): TO HOLD A SPECIAL COUNCIL MEETING PURSUANT TO SECTION 239 (3.1) OF THE *MUNICIPAL ACT, 2001*, AS AMENDED, FOR THE PURPOSE OF TRAINING AND EDUCATING MEMBERS OF COUNCIL REGARDING PUBLIC HEARINGS; AND ALSO TO MEET TO DISCUSS PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND AND SECURITY OF PROPERTY MATTERS;
AND IN OPEN SESSION TO HOLD PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT; AND**

**BY PROCEDURAL BY-LAW 2005-176:
TO RATIFY THE ACTIONS OF GENERAL COMMITTEE**

**CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET**

Council met in Special Meeting Committee-of-the-Whole closed to the public at 6:18 p.m. and in open session at 7:15 p.m. to hold Statutory Public Hearings under the *Planning Act*, and recessed at 8:15 p.m.; and pursuant to By-law 2005-176, the Procedural By-law of Council, reconvened following the General Committee Meeting at 8:28 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

Members Present:

Councillors D. Alexander, M. Belcastro (until 7:17 p.m.) F. Champion, P. Chiocchio, M. Dzugan, P. Grenier, J. Larouche, R. Letourneau, S. O'Dell, B. Sharpe and L. Van Vliet (until 8:00 p.m.).

Members of the Staff and Others Present:

City Manager, P. Simmons

General Manager, Communications, Council & Legislative Services/City Clerk, C. Stirtzinger (7:00 p.m.)

Deputy Clerk, B. Gallaccio

General Manager, Engineering, Public Works & Transportation Services/City Engineer, D. Shantz

Deputy Treasurer, K. Douglas

General Manager, Planning & Development Services, D. Thorpe

General Manager, Parks and Recreation, B. Fenwick

General Manager, Human Resources, R. Mantesso

Games Licensing & Committee Clerk, L. Bubanko (7:10 p.m.)

Manager, Economic Development, D. Degazio (until 6:35 p.m.)

07-25 Moved by Belcastro and Letourneau
 THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:18 p.m. to consider:

- a) the security of the property of the municipality or local board; and
 - b) a proposed or pending acquisition of land or disposition of land by the municipality; and
- under Section 239 (3.1) of the *Municipal Act, 2001*, as amended, for the purpose of training and educating members of Council concerning Public Hearings.

CARRIED

(Councillor Letourneau was not present during Committee-of-the-Whole discussions on a security of property of the municipality matter).

(Councillor Belcastro was not present during training and educating members of Council concerning Public Hearings).

07-25 Moved by Grenier and Dzugan
 THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:05 p.m. without report.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Belcastro disclosed an interest in Ref. No. 03-139/03-139Z and 07-135/07-135Z and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is President of the Seaway Mall.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF OCTOBER 9, 2007:

03-139

03-139Z Gen. Mgr., Planning and Development Services, D. Thorpe – Applications for Official Plan and Zoning By-law Amendments, Calloway Reit (Welland) Inc., (Part of Lot 21, Concession 1, Part of Lots 20, 21 and 22, Concession 2, Part of Road Allowance between Lots 20 and 21, Concession 2, Former Township of Crowland, being Parts 1 to 8, inclusive, Plan 59R-9112) for lands at 102 Primeway Drive, north side of Woodlawn Road east of Brown Road and west of Highway 406 (Files: 2006-19; OPA).

07-3 Pat Leece, President, Lupus Foundation of Ontario – requesting permission to sell raffle tickets in the City of Welland.

07-3 Karin Perry, Executive Director, Breast Cancer Research and Education Fund – requesting permission to sell raffle tickets in the City of Welland.

07-21 Ralph DeFazio, Principal, Notre Dame College School – requesting permission to hold “Notre Dame’s 32nd Annual Pilgrimage”.

07-130 Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Tender Award – Willson Park Outfall Extension and Ditch Realignment.

07-135

07-135Z Gen. Mgr., Planning and Development Services, D. Thorpe – Applications for Official Plan and Zoning By-law Amendments, Calloway Reit (Welland) Inc., (Parts 15, 16 and 17, inclusive, Plan 59R-13178) for lands north of Woodlawn Road west of Brown Road, “69 and 165 Primeway Drive” (west side) (Files: 2006-20; OPA).

07-138 Pam Gilroy, Regional Clerk, Niagara Region – Regional Council’s approval to provide additional funding for bikeway facilities along Fitch Street between Prince Charles Drive and South Pelham Road, in the City of Welland.

THE FOLLOWING BY-LAWS WERE RECEIVED:**07-10**

07-24 A By-law to authorize the appointment of Rosanne Mantesso as General Manager, Human Resources.

07-46 A By-law to authorize the purchase of two (2) new 2008 Crew Cab Pick-Up 10,000 Lb. GVW Trucks complete with Wilcox Service Body.

07-1 A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 9th day of October, 2007.

STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

(Councillor Belcastro was not present during the Statutory Public Hearings)

Councillor Dzugan presided as Chair of the Public Hearings:

03-139

03-139Z Applications have been made by WOOD, BULL, LLP on behalf of CALLOWAY REIT (WELLAND) INC. to amend the Official Plan and to rezone Part of Lot 21, Concession 1, Part of Lots 20, 21 and 22, Concession 2, Part of Road Allowance between Lots 20 and 21, Concession 1, Part of Road Allowance between Concessions 1 and 2, and Part of Road Allowance between Lots 20 and 21, Concession 2, former Township of Crowland, being Parts 1 to 8, inclusive, Plan 59R-9112 for lands at 102 Primeway Drive. The purpose of the Amendment is to amend the existing C4-X13 Zone provisions as follows:

- to increase the maximum Gross Leasable Floor Area (GLFA) from 22,590 square metres to 26,477 square metres for the entire site;
- to increase the maximum GLFA for the Home and Auto Supply/Home Improvement Store from 7,023 square metres to 9,350 square metres;
- to increase the maximum GLFA for the Commercial Retail Units (CRU's) from 1,858 square metres to 3,900 square metres;
- to delete the minimum GLFA requirement for complementary type service uses;
- to decrease some retail CRU's to have a GLFA of less than 372 square metres.

In addition, the Applicant is requesting that a windmill be permitted as a use on the subject lands. The Official Plan designation is PRESTIGE LIGHT INDUSTRIAL/HIGHWAY COMMERCIAL DESIGNATION – OFFICIAL PLAN AMENDMENT NO. 113.

07-135

07-135Z Applications have been made by WOOD, BULL, LLP on behalf of CALLOWAY REIT (WELLAND) INC. to amend the Official Plan and to rezone Parts 15, 16 and 17 on Plan 59R-13178 for lands at 69 and 165 Primeway Drive. The purpose of the Amendment is to permit a range of retail and service commercial uses such as business office, personal service establishment and banks in addition to those uses currently permitted in the C4-X9 Zone. A maximum gross leasable floor area of 12,077 square metres (130,000 square feet) is proposed for the entire site including a 4,832 square metre (52,000 square feet) home improvement store and 6,967 square metres (75,000 square feet) of other retail and service commercial uses. The Official Plan designation is PRESTIGE LIGHT INDUSTRIAL/HIGHWAY COMMERCIAL DESIGNATION – OFFICIAL PLAN AMENDMENT NO. 97.

Councillor Dzugan outlined the procedures of the Public Hearings as required by the *Planning Act*.

D. Thorpe confirmed that the statutory requirements for public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

In support of the applications:

- Mary Bull, Solicitor, on behalf of the applicant.

In opposition to the applications:

- Stanley Stein, Counsel for Doral Holdings, Box 50, 1st Canadian Place, Toronto, Ontario, M5X 1B8.
- Deanna Villella, Chair, North Welland BIA, 620 Niagara Street, Welland, Ontario, L3C1L8
- Trevor Sainsbury, Vice-Chair, North Welland BIA, 934 Niagara Street, Welland, Ontario L3C 1M3
- Pam Gauvin, on behalf of Seaway Mall Tenants, 1045 Quaker Road, Fonthill, Ontario, L0S 1E4

There being no other submissions the hearing was concluded.

03-139

03-139Z Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes Report PDS-2007-75 concerning Applications for Official Plan and Zoning By-law Amendments for lands municipally known as "102 Primeway Drive", north of Woodlawn Road, east of Brown Road and west of Highway 406.

CARRIED

07-3 Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND grants permission to Lupus Foundation of Ontario to sell raffle tickets in the City of Welland under authority of Lottery License M016020; subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

07-3 Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND grants permission to Breast Cancer Research and Education Fund to sell raffle tickets in the City of Welland under authority of Lottery License M556609; subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

07-21 Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND approves the application for "**Notre Dame's 32nd Annual Pilgrimage**" for the Third World on Sunday, October 28, 2007 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

07-130 Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of Peters Excavating Inc. of Fort Erie, Ontario as detailed in Report ENG-2007-32, for Willson Park Outfall Extension and Ditch Realignment at the quoted price of \$39,410.00 including applicable PST; and further

THAT Welland City Council authorizes the Treasurer to finance the project estimated total expenditure in the amount of \$60,000 by means of the General Surplus Reserve Fund; and further
 THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into a contract with Peters Excavating Inc., to execute the constructions.

CARRIED

07-135

07-135Z Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes Report PDS-2007-76 concerning Applications for Official Plan and Zoning By-law Amendments for lands municipally known as "69 and 165 Primeway Drive", north of Woodlawn Road, west of Brown Road.

CARRIED

07-138 Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the letter from the Niagara Region dated September 28, 2007 advising of Regional Council's approval to provide additional funding in the amount of \$119,776 for bikeway facilities along Fitch Street between Prince Charles Drive and South Pelham Road, in the City of Welland.

CARRIED

BY - LAWS

BY-LAWS PRESENTED FOR FIRST READING:

1. Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND now gives leave to introduce the following proposed By-laws entitled:

07-10

07-24

BYL 2007-153

A By-law to authorize the appointment of Rosanne Mantesso as General Manager, Human Resources.

07-46

BYL 2007-154

A By-law to authorize the purchase of two (2) new 2008 Crew Cab Pick-Up 10,000 Lb. GVW Trucks complete with Wilcox Service Body.

07-1

BYL 2007-155

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 9th day of October, 2007.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND having read a first time and considered the By-laws listed in the foregoing motion as reproduced in this evening's Council Agenda, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal same.

CARRIED

Council adjourned at 8:38 p.m.

These Minutes approved and adopted by Motion of Council this 16th day of October, 2007.

MAYOR

DEPUTY CLERK